

ORDINANCE NO. 1675

AN ORDINANCE INCORPORATING CHANGES INTO THE MUNICIPAL CODE OF THE CITY OF ANKENY, IOWA.

WHEREAS, the City Council of the City of Ankeny is amending its municipal code to incorporate changes.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANKENY, IOWA:

Section 1: Section 1.14, Standard Penalty, is hereby amended by deleting the current section and inserting in lieu thereof the following:

1.14 Standard Penalty. The penalty for violation of a city ordinance shall be the same penalty as for a simple misdemeanor. Each day that a violation occurs or is permitted to exist constitutes a repeat offense.

Section 2. Section 4.04, Civil Citations, is hereby amended by deleting the second to the last sentence in the paragraph and inserting in lieu thereof the following: A copy of the citation shall be served to the defendant, a copy of the citation shall be retained by the issuing officer, and the original citation shall be sent to the Clerk of the District Court.

Section 3. Section 70.03, Parking Violations: Alternate, is hereby amended by adding the words “or parking violations which are uncontested” after the words “admitted violations” in the first sentence.

Section 4. Chapter 48, Residency Restrictions for Sex Offenders, is hereby deleted in its entirety.

Section 5. Chapter 80, Abandoned Vehicles, is hereby amended by inserting the following new subsection 80.03:

80.03. Abandoned Vehicles. A property owner shall have the right to employ a garage keeper to dispose of an abandoned vehicle and the garage keeper may take custody of the abandoned vehicle without the initiative of the City police authority.

Section 6. Section 56.02, License Fee, is hereby amended by adding the following sentence:

An additional \$1.00 shall be assessed for all fees paid and licenses issued by mail.

Section 8. Section 41.09 Discharging Weapons, is hereby deleted and there is inserted in lieu thereof the following:

Discharging Weapons. It is unlawful for a person to discharge rifles, shotguns, revolvers, pistols, guns or other firearms of any kind within the City limits.

Section 9. Section 41.11 Hunting and Trapping, is hereby deleted and there is inserted in lieu thereof the following:

41.11A. Definition. Hunting is defined as pursuing, killing, trapping, snaring, netting, searching for or shooting at, stalking or lying in wait for any game, animal or bird protected by the State laws or rules adopted by the Department of Natural Resources, whether or not such animal is then subsequently captured, killed or injured.

41.11B. Prohibition. It is unlawful for a person to hunt or trap within the City limits or to use any weapons, including snares, traps, pits or other devices capable of killing or injuring an animal. Live trapping of animals that does not cause injury to animals is allowed. Hunting with firearms within City limits is prohibited. Written consent of the Police Chief is required to discharge a firearm manufactured for the control of geese or waterfowl even if the firearm is non-lethal and cannot cause death or injury upon any human being or animal.

41.11C. Special Permits. Special permits by order of the Council may be issued from time to time to allow a special hunting season in the City limits to cull an overpopulated deer herd, or goose population only if the hunting is done with a bow and arrow.

Section 10. Chapter 55.11 is hereby deleted and there is inserted in lieu thereof the following:

Chapter 55.11. Number of Dogs and Cats Limited. No family or occupant of the same address shall own, harbor or keep more than four dogs or four cats or a combination exceeding four dogs and cats per household on any residentially zoned lot except that a litter of puppies or kittens or a portion of the litter may be kept on the property not more than twelve weeks from birth.

Section 11. Section 55.01, Definitions is hereby amended as follows:

1. 55.01(4) is hereby added by amending the following:

E. Is a properly tagged cat currently licensed by the City of Ankeny.

2. 55.01(6) is hereby amended by adding the following sentence:

The definition of cat specifically excludes a feral cat. Feral cats are born in the wild or may be abandoned or lost pets that have reverted to a wild state.

Section 12. Section 55.15, Impoundment, is hereby amended to add the words “or cat” after reference to “dog”.

Section 13. A new Section 55.17 shall be added as follows:

55.17. At Large Cats. Any cat found to be at large without (a) collar, (b) license or (c) imbedded ownership chip shall be determined to be a feral cat. For purposes of this ordinance a cat shall have a short coat of fur to qualify as a feral cat in addition to the aforementioned requirements of the definition. A feral cat shall be held for a period of twenty-four hours from the date of capture before transportation to the Animal Rescue League. If unclaimed within twenty-four hours, the cat shall be identified as a feral cat for purposes of record management with the Animal Rescue League.

Section 14. Chapter 77, Bicycle Registration, is hereby deleted in its entirety.

Section 15. Section 113.02(1) is hereby deleted in its entirety and in lieu inserted the following:

1. “Billing Agency” means the City of Ankeny, or any other agency designated by the City, to maintain customer accounts, prepare and mail bills and account for payments.

Section 16. Section 130.03, Investigation, is hereby amended by deleting the reference to “within 45 days” and inserting in lieu thereof “within one year”.

Section 17. Section 131.04 is hereby amended by deleting “and Iowa Department of Transportation Records” and deleting “within 45 days” and inserting in lieu thereof “within one year.”

Section 18. Section 134.03(1), Application Procedure, is hereby amended by deleting “and Iowa Department of Transportation Records, both received from the State of Iowa”.

Section 19. Chapter 155, Naming of Streets, is hereby amended by deleting Section 155.04, Official Street Name Map, and Section 155.05, Revision of Street Name Map, in their entirety.

Section 20. Section 157.08, Responsibilities of Property Owner, is hereby amended by deleting the last three sentences and inserting in lieu thereof the following: “If a curb side or cluster-style mailbox located in the City right-of-way is damaged during such activities, the City or the utility that damaged the mail box, shall reimburse the property owner up to a maximum replacement amount set by Council in a fee schedule for the cost of a mail box of the same design, if it has been approved for installment by the USPS with the proper markings inscribed U.S. Mail” and “Approved by the Postmaster General”, if it is still available for purchase and complies with this Chapter, and for the cost of the installation of said mail box. ”

Section 21. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 22. This ordinance shall be in full force and effect after its passage, approval and publication as provided by law.

PASSED AND APPROVED this ____ day of _____, 2010.

Steven D. Van Oort, Mayor

ATTEST:

Pamela DeMouth, City Clerk

**PUBLISHED IN THE
DES MOINES REGISTER
ON THE ____ DAY OF _____, 2010**

**1st Con 8/16/10
2nd Con 9/7/10
3rd Con _____**